

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FU CHEN,

Plaintiff,

v.

ALEJANDRO MAYORKAS, et al.,

Defendants.

Case No. [24-cv-00915-TLT](#)

ORDER TO SHOW CAUSE

Re. Immigration Action - Petition for Writ of Mandamus, See Federal Rule of Civil Procedure 4(l) and Civil Local Rule 4-2 and 5-5

Re: Dkt. No. 3, 6

Plaintiff filed a Complaint against Defendants Merrick Garland and Alejandro Mayorkas and paid the filing fee on February 15, 2024. ECF 1. A summons was issued as to Defendants Merrick Garland and Alejandro Mayorkas. ECF 2. The Court ordered Plaintiff to file proof of service i.e., a Summons Returned Executed, as to both Defendants pursuant to Federal Rule of Civil Procedure 4(l) and Civil Local Rule 4-2 and 5-5 by January 10, 2025. ECF 6.

Pursuant to FRCP 4(b), a plaintiff may present a summons to the clerk for signature and the clerk “must sign, seal, and issue it to the plaintiff for service on the defendant.” “A summons must be served with a copy of the complaint.” FRCP 4(c)(1). The plaintiff is responsible for serving the complaint and summons to the defendant within and must “furnish the necessary copies to the person who makes service.” *Id.* A plaintiff may not serve defendant himself. FRCP 4(c)(2). The Plaintiff has 90 days to serve the defendant after the complaint is filed. FRCP 4(m). If a defendant is not served within 90 days after the complaint is filed, however, the court must “dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.* If the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. *Id.*

1 In this case, the clerk of the court issued the summons, but there is no evidence that
2 Plaintiff served Defendants with the copy of the completed summons. ECF 2. As a result, it does
3 not appear that Plaintiff served Defendants. The Court **ORDERS** Plaintiff to either file proof of
4 service or show cause for why Defendants have not been properly served. If Plaintiff does not
5 either show proof of service or good cause, the Court will dismiss the case for lack of service of
6 process.

7 Plaintiff is encouraged to seek free legal assistance from the Legal Help Center located in
8 the San Francisco courthouse. The Legal Help Center will not represent you as your lawyer but
9 can provide basic legal assistance at no cost. You can schedule an appointment by calling 415-
10 782-8982 or emailing FedPro@sfbar.org.

11 You can find more information at <https://cand.uscourts.gov/pro-se-litigants/>. The court
12 also has a free guide “Representing Yourself in Federal Court: A Handbook for Pro Se Litigants,”
13 which provides instructions on how to proceed at every stage of the case, including discovery,
14 motions, and trial.

15 You can access it online ([https://www.cand.uscourts.gov/wp-](https://www.cand.uscourts.gov/wp-content/uploads/2023/03/Pro_Se_Handbook_4-2024_MBB.pdf)
16 [content/uploads/2023/03/Pro_Se_Handbook_4-2024_MBB.pdf](https://www.cand.uscourts.gov/wp-content/uploads/2023/03/Pro_Se_Handbook_4-2024_MBB.pdf)) or in hard copy free of charge
17 from the Clerk’s Office.

18 **IT IS SO ORDERED.**

19 Dated: January 10, 2025

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21 TRINA L. THOMPSON
22 United States District Judge
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